

1 that would say "Bill's Copy" on it, though. I don't
2 recall specifically.

3 Q Can you explain why on page 13 of your
4 testimony SFUSD Exhibit T-2 page 13 the following
5 sentence appears: "I didn't even cover up the "Bill's
6 Copy" notation on the copies of my KALW Program Guides
7 or the download dates that appear in the upper right
8 hand corner of the NPR Issues/Programs List."

9 MR. DUNCAN: You want to read that
10 paragraph, Bill?

11 THE WITNESS: No. I think I --

12 MR. DUNCAN: Okay.

13 THE WITNESS: I'm -- I'm fine.

14 BY MR. SHOOK:

15 Q Was there any particular reason why the
16 version sent to the FCC doesn't reflect "Bill's Copy"
17 on it?

18 A As I have previously stated, we -- we did
19 find Program Guides when we were putting that -- when
20 we were completing the file in 2001. We completed the
21 file with "Bill's Copy" editions. We did find Program
22 Guides in the public file at that time of the
23 inspection.

24 If we -- if I went to the -- and which we
25 -- the Program Guides we found in there weren't marked

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 "Bill's Copy," they were just taken out. And if at
2 the time the Sanchez law firm requested copies of
3 Program Guides and if they asked for a specific one,
4 it probably was the fact that the one that was marked
5 "Bill's Copy" was kind of messy and had marks on it
6 and so on. And so we took a copy just as far as it
7 was -- it was going to look cleaner. We sent them
8 what appeared to be a cleaner looking copy than the
9 "Bill's Copy" that has my little marks on it in
10 various places.

11 There was no intent at all to -- that's
12 the only reason we wouldn't have sent "Bill's Copy" if
13 the "Bill's Copy" one was in there.

14 Q I now want to direct your attention to EB
15 Exhibit 34 page 11. The title of it is Declaration of
16 William Helgeson. Do you have that document?

17 A I have the document.

18 Q Do you wish to review it?

19 JUDGE SIPPEL: Are you going to question
20 him about some section of the document?

21 MR. SHOOK: Generally and then
22 specifically, yes.

23 JUDGE SIPPEL: Well, let's see if we can
24 start with the questions and see what he can do with
25 them and then we can take it from there.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. SHOOK: Okay.

2 BY MR. SHOOK:

3 Q Mr. Helgeson, in paragraph 3 of your
4 declaration it states: "SFUSD's attorneys have
5 provided me with a copy of a letter that will be
6 provided to the Federal Communications Commission,
7 FCC, on behalf of SFUSD in response to a February 5,
8 2001 Letter of Inquiry from the Audio Services
9 Division of the Mass Media Bureau of the FCC response
10 letter along with copies of the several attachments to
11 that letter.

12 I have reviewed the response letter and
13 its attachments. It is my understanding that this
14 response letter is to be filed at the FCC on or before
15 April 6, 2001. I have personal knowledge of the
16 factual matters set forth in the response letter and
17 its attachments."

18 Is that paragraph accurate?

19 A When I saw that this -- this document was
20 prepared by our attorneys and was sent to me. And I
21 read it prior to signing it. And at that time I
22 understood, it was my understanding that personal
23 knowledge was -- and they knew certainly that my
24 personal knowledge regarding matters in the file in
25 1997 was -- I was relying totally on information and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 documents that had been prepared by Jeff Ramirez, the
2 General Manager. So at that time it was not my -- it
3 was my understanding that that was what the attorneys
4 knew and would not have put anything in their document
5 which I had -- I didn't have the final copy of at the
6 time because they were rushing to get this -- this
7 document filed with the FCC the very next day. And --
8 but I had no reason to believe they would put anything
9 in a document other than the information that I had
10 given them and that anything that I gave them would --
11 would be accurately reflected in the document that
12 they were going to be filing with the FCC the very
13 next day.

14 So that extent it's an accurate document.

15 Q Okay. With respect to the first sentence,
16 the first sentence of paragraph 3 reads: "SFUSD's
17 attorneys have provided me with a copy of a letter
18 that will be provided to the Federal Communications
19 Commission, FCC, on behalf of SFUSD in response to a
20 February 5, 2001 Letter of Inquiry from the Audio
21 Services Division of the Mass Media Bureau of the FCC
22 response letter along with copies of the several
23 attachments to that letter." Is that sentence
24 accurate?

25 A (No audible response.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 JUDGE SIPPEL: Can you answer yes or no?

2 THE WITNESS: Yes. I would have to say
3 that the -- what I was referring to probably was the
4 draft copy that I -- that I had seen a couple of days
5 before, that I had received the day or two -- maybe
6 the day before -- the day. And if there was going to
7 be any changes to it, they would be -- been not any
8 significant matter. So in that sense I believe that
9 I had received a copy.

10 JUDGE SIPPEL: Mr. Helgeson, you still
11 haven't answered his question. Do you know what is
12 question is? What is his question?

13 THE WITNESS: Was that an accurate -- your
14 question is is that an accurate statement?

15 JUDGE SIPPEL: Yes. Can you answer yes or
16 no?

17 THE WITNESS: I believed it was an
18 accurate statement at the time I signed it.

19 JUDGE SIPPEL: What about today, is it
20 still accurate?

21 THE WITNESS: At this time it is not --
22 things certainly have come to my attention and I
23 reviewed it much more carefully, and it isn't accurate
24 now.

25 JUDGE SIPPEL: It is not?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 THE WITNESS: I would say it's -- at the
2 time it was accurate.

3 JUDGE SIPPEL: Now wait a minute. Wait a
4 minute. Wait a minute. It is not accurate today, is
5 that what you said?

6 THE WITNESS: I would --

7 JUDGE SIPPEL: I wasn't sure I heard you
8 right.

9 THE WITNESS: Yes.

10 JUDGE SIPPEL: It is not accurate today?

11 THE WITNESS: Right.

12 JUDGE SIPPEL: But at the time that you
13 executed the declaration on April 5, 2001 you believed
14 it was accurate?

15 THE WITNESS: Yes.

16 JUDGE SIPPEL: All right. That's far as
17 I can get you, Mr. Shook.

18 MR. SHOOK: Your Honor, the record is what
19 it is.

20 BY MR. SHOOK:

21 Q The next sentence, Mr. Helgeson, reads:
22 "I have reviewed the response letter and its
23 attachments." Is that an accurate statement?

24 A At the time that I signed that, yes. At
25 the time I signed that -- this document on April 5th

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the attachments were, as we say, things that I had
2 provided -- mostly were going to be things that I was
3 providing to the Sanchez law firm.

4 JUDGE SIPPEL: He's not asking for an
5 explanation. He's asking you --

6 THE WITNESS: Yes. Yes.

7 JUDGE SIPPEL: -- to say yes.

8 THE WITNESS: I believed at the time that
9 I signed that letter that it -- that -- that it was
10 accurate.

11 BY MR. SHOOK:

12 Q Okay. And the last sentence reads: "I
13 have personal knowledge of the factual matters set
14 forth in the response letter and its attachments." Is
15 that an accurate statement?

16 A I'm sorry. Say that -- at the time that
17 my personal knowledge consisted of what I knew of
18 matters of the status of the file in 1997, I believe
19 that was true. And so that's why I was willing to sign
20 it, because I believe that was the nature of my
21 personal knowledge.

22 Q I don't think you answered my question.

23 A Okay.

24 Q "I have personal knowledge of the factual
25 matters set forth in the response letter and its

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 attachments." Is that an accurate statement?

2 A I did have personal knowledge of the -- of
3 the attachments because I -- those were the
4 attachments that I was -- I was sending Jeff.

5 Q You're claiming you have factual knowledge
6 of two things, though. One is the attachments.
7 That's fine. You have personal knowledge of those.

8 The second is the response letter. Do you
9 have personal knowledge of the factual matters set
10 forth in the response letter?

11 A My personal knowledge of the -- of the
12 information in the response letter was limited to the
13 information that I gave the -- that I'd given our
14 attorneys when they drafted the answer.

15 JUDGE SIPPEL: But that's not what he's
16 asking. He's not asking you what was the basis for
17 your personal knowledge. He's simply asking you the
18 sentence that you have signed onto, okay, says "I have
19 personal knowledge of the factual matters set forth"
20 (a) in the response letter, and (b) in its
21 attachments. And I think your question is is that
22 sentence accurate. Can you say yes or no to that?

23 THE WITNESS: I would say my personal --
24 I understood -- when I -- when I --

25 JUDGE SIPPEL: You're still not answering

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the question. Why are you having problem with a yes
2 or no answer?

3 THE WITNESS: I'm trying to explain what
4 Your Honor --

5 JUDGE SIPPEL: Nobody has asked you to
6 explain. We're simply asking you is that accurate,
7 the sentence. You can read it again; "I have personal
8 knowledge of the factual matters" (a) set forth in the
9 response letter, and (b) in its attachments. I'm
10 adding the (a) and (b), but the point is that there
11 were two points in that very short simple sentence.
12 Is it accurate, the sentence?

13 THE WITNESS: I would have to say that
14 that sentence if this -- from reviewing it now it is
15 not as accurate -- it is not accurate.

16 JUDGE SIPPEL: Thank you. Thank you.

17 BY MR. SHOOK:

18 Q Mr. Helgeson, paragraph 4 of your
19 declaration reads 4: "The statements and other
20 factual allegations contained in SFUSD's response
21 letter are true and accurate to the best of my
22 personal knowledge and belief."

23 JUDGE SIPPEL: It says "true and correct."

24 MR. SHOOK: "True and correct," excuse me.

25 BY MR. SHOOK:

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Q Let me read it again. Paragraph 4: "The
2 *statements and other factual allegations contained in*
3 SFUSD's response letter are true and correct to the
4 best of my personal knowledge and belief." Is that an
5 accurate statement?

6 A Having read the actual response -- having
7 read the actual response, I would have to say it's not
8 completely accurate now, given that I have certainly
9 have seen things in there that I would say were --
10 were things that I would -- I would have corrected
11 before it was filed.

12 Q Now, in terms of the declaration as a
13 whole and given all that we've talked about with
14 respect to the letter, and on April 5, 2001 when you
15 executed this declaration was it your intention to
16 convince the FCC that the materials accompanying the
17 letter with the exception of a 1995 supplemental
18 ownership report were in the public file on August 1,
19 1997?

20 A It was my -- it was my intent to -- I had
21 no -- again, regarding what -- I had no intent of
22 stating what the public file contents were in 1997.
23 I was only testifying -- I was stating to what the
24 contents of the file were now. And that was -- was
25 always the action that I was taking based on what our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 attorneys and I had been discussing since February of
2 '01.

3 Q Now I want to direct your attention to EB
4 Exhibit 35 page 2, that's more of the bills from the
5 Sanchez law firm. And the entry that I want you to
6 focus on is the second to last entry, so that would be
7 for April 6, 2001. Do you see that next to SMJ it
8 reads "final edit in preparation for filing of letter
9 to FCC" and Ms. Jenkins apparently billed SFUSD 1.75
10 hours for that work?

11 A I see that.

12 Q Were you aware that Ms. Jenkins was still
13 editing the response letter to the FCC on April 6?

14 A I was not aware that she was -- at that
15 time on April 6th I was not aware of it. And I don't
16 know what the final edits were done.

17 Q Now having looked at the draft of the
18 letter that was going to go to the FCC did you
19 understand from reading that SFUSD Exhibit 21, did you
20 understand from reading the draft that SFUSD was going
21 to be responding to specific questions that the FCC
22 had asked?

23 A That was my understanding because the --
24 it was in the form of number 1, number 2, number 3 so
25 on.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Q And did you also understand that those
2 *questions, not entirely, but by in large focused on*
3 *what was in the public file on August 1, 1997?*

4 A I know that some of the questions referred
5 to that, yes. And some of them referred to other --
6 you know, what the file was. Out of my conversation
7 with the attorneys when the -- when I received the
8 letter in February, what I was asked to focus on was
9 what was the -- that the FCC wanted to know what is
10 the status of the file now.

11 Q The FCC wasn't concerned about what was in
12 the file on August 1, 1997?

13 A Oh, I -- I believe the FCC was, and that
14 was the gist of those questions. In February of 2001
15 I really didn't have anything else I could add
16 regarding the status of what it was in 1997 other
17 than, again, what I knew from what Jeff had -- had
18 certified to and certainly the attorneys had in their
19 communications with Jeff in the period of '97 and '98.
20 That's -- that would be what we knew about the status
21 of the file, answering status of file questions
22 regarding 1997.

23 Q In February, March, early April of 2001
24 didn't you understand that the FCC's focus on August
25 1, 1997 meant that it had some difficulty with the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 certification that Mr. Ramirez had given to the public
2 *file question?*

3 A At that time when going over the FCC's
4 letter with our attorneys on that when I had received
5 a copy and we were going over it, I didn't -- that
6 didn't stand out for me. They were going to be
7 answering the responses and I basically just came --
8 I came to the attorneys and said what do you need for
9 me to do. What do you need from me? And I was just
10 going to do whatever -- whatever they requested of me
11 at that time. I was expecting them to handle the
12 answers to the questions.

13 Q Did anyone ever tell you that SFUSD had
14 tell the FCC that the public file had been in order on
15 August 1, 1997 in order to be consistent with the
16 certification that Mr. Ramirez had made in the renewal
17 application?

18 A If anybody ever told -- I'm sorry. Is the
19 question did anyone ever tell me?

20 Q Did anyone ever tell you that SFUSD had to
21 tell the FCC that the public file had been in order on
22 August 1, 1997 in order to be consistent with Mr.
23 Ramirez' certification?

24 A I don't recall having anyone tell me that
25 at anytime that I can recall, anyway, at this point.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 Q And I want to direct your attention now to
2 your direct testimony, SFUSD Exhibit T-2, page 15.

3 MR. DUNCAN: Mr. Shook, should I keep
4 these other documents out?

5 MR. SHOOK: Oh, you may as well.

6 MR. DUNCAN: Yes.

7 JUDGE SIPPEL: Page what? Fifteen?

8 MR. SHOOK: Fifteen.

9 JUDGE SIPPEL: Okay. Try to ask him the
10 questions and see if he can do it without having to
11 read it. But let's see what we have to do.

12 BY MR. SHOOK:

13 Q All right. In your direct --

14 JUDGE SIPPEL: Wait a minute. Do you have
15 it? Do you have the page?

16 BY MR. SHOOK:

17 Q Okay. The portion that I want to direct
18 your attention to is SFUSD Exhibit T-2 page 15
19 beginning at line 20.

20 JUDGE SIPPEL: And that's in bold. It
21 says: "What about --

22 MR. SHOOK: That's the question.

23 JUDGE SIPPEL: Is there a particular
24 sentence or section in there that you want to him
25 focus on?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. SHOOK: The first two sentences of his
2 response.

3 JUDGE SIPPEL: Of his response. Yes.

4 He's only going to ask you about two
5 sentences.

6 THE WITNESS: Oh, okay. I just wanted to
7 read my whole answer to the one question.

8 JUDGE SIPPEL: Well, but see if you can
9 handle this question.

10 THE WITNESS: Okay.

11 JUDGE SIPPEL: If you can't, then we'll go
12 back and read.

13 THE WITNESS: All right. All right.

14 BY MR. SHOOK:

15 Q In your testimony SFUSD Exhibit T-2 at
16 page 15 you note that our response to the LOI,
17 questions about ownership reports, issues/programs
18 lists and donor reports was yes. And then in making
19 such response we relied on Jeff having done his job
20 correctly.

21 In the context of this answer who is
22 covered by the term "our"?

23 JUDGE SIPPEL: You mean "our" with respect
24 to response?

25 MR. SHOOK: Our response.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 BY MR. SHOOK:

2 Q I just want to get an idea who is the
3 universe of people covered by "our"?

4 A I would say that in that I meant the word
5 our, I meant our attorneys -- our attorneys and us,
6 the station. I believe that's who -- what I meant by
7 the term our.

8 Q And then in the next sentence "in making
9 such response we relied on Jeff having done his job
10 correctly." Who is "we"?

11 A I would have -- I believe the "we" in that
12 case what I meant was I was me and the attorneys of
13 the Sanchez law firm, and at least -- at least that
14 was we.

15 Q Okay. Just wanted clarification.

16 JUDGE SIPPEL: A subset of the royal we.

17 Let me be sure that the record is clear.
18 The "our" that we are referring, and this is for the
19 purposes of the transcribing, it's spelled O-U-R. Our
20 response.

21 BY MR. SHOOK:

22 Q Mr. Helgeson, I now want to direct your
23 attention to EB Exhibit 37 page 7. Specifically the
24 request and answer for number 13.

25 JUDGE SIPPEL: So can you narrow down what

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 it is that you're interested in while he's reading
2 this?

3 MR. SHOOK: Certainly.

4 JUDGE SIPPEL: There's a lot in there.

5 BY MR. SHOOK:

6 Q Well in pertinent part the response
7 states: "SFUSD further responds that KALW station
8 management created or recreated one or more
9 supplemental ownership reports including the SFUSD
10 1993 supplemental ownership report in or about
11 December 1997 after learning that such reports were
12 required and were not in the stations public
13 inspection file."

14 My first question is were you part of
15 KALW's station management that created or recreated
16 SFUSD's 1993 supplemental ownership report?

17 MR. DUNCAN: Well, I don't know that the
18 record reflects -- do you care whether the record
19 reflects whether he knows what this document is or
20 not?

21 I just turned him to the right page. But
22 he was stuck on page 1 and I don't --

23 JUDGE SIPPEL: Wait just a second. It's
24 clear that this is the School District's response or
25 your objections or answer to the Bureau's request for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 admissions. You understand what that kind of a
2 document is all about?

3 THE WITNESS: Yes, I understand that, Your
4 Honor.

5 JUDGE SIPPEL: Okay. But he just wants
6 you to go to one section of that. He read you the
7 sentence. And, again, I refer you to that, it's on
8 page 7.

9 And what's your question?

10 BY MR. SHOOK:

11 Q Were you part of KALW's station management
12 that created or recreated SFUSD 1997 supplemental
13 ownership report?

14 A Can I ask, are you referring to the
15 ownership report that was dated December -- a day in
16 December in 1997?

17 Q Yes.

18 A Okay. At that time -- in response to --
19 at that time in late '97 we discovered that that
20 should have been in -- Jeffrey Ramirez discovered that
21 should have been in the file and at that time we
22 prepared a document that would be put in the public
23 file and it was signed by a School District official
24 in December of '97. I believe I may have been
25 involved with typing it up for -- and preparing it for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 signature.

2 Q In the course of that document preparation
3 in December of 1997 are you aware of anyone having
4 asked Jerry Jacob, the station's General Manager in
5 1993, whether he was aware that a 1993 supplemental
6 report had been prepared in the first place?

7 A I don't recall of any communication with
8 Jerry Jacob at -- during this period in late '97.

9 Q Now, I want to direct your attention to EB
10 Exhibit 37 pages 9 and 10 and the response -- the
11 request and response from 16. And this is very
12 similar to what we just covered. And the pertinent
13 part of the response is: "SFUSD further responds that
14 KALW station management created or recreated one or
15 more report in or about December 1997 after learning
16 that such reports were required and were not in the
17 station's public inspection file."

18 JUDGE SIPPEL: Now supplemental reports it
19 referred to?

20 MR. SHOOK: Right.

21 JUDGE SIPPEL: Okay. See what you can do
22 with the question. I mean, if you have to go back --

23 THE WITNESS: Okay. What is then the
24 question. Okay.

25 MR. SHOOK: Should I ask the question

1 again?

2 JUDGE SIPPEL: Try it. Yes, try it. Just
3 rephrase it or refocus it or -- just listen carefully
4 to what he's asking.

5 BY MR. SHOOK:

6 Q The pertinent part of the response that I
7 wanted you to focus on was: "SFUSD further responds
8 that KALW station management created or recreated one
9 or more report supplemental ownership reports
10 including the SFUSD 1997 supplemental ownership report
11 in or about December 1997 after learning that such
12 reports were required and were not in the station's
13 public inspection file."

14 My question is were you part of KALW
15 station management that created or recreated SFUSD
16 1995 supplemental ownership report in December 1997?

17 A In 1997 I was part of station management.
18 And if Jeff Ramirez had asked me to -- if he asked me
19 to assist him in creating that, I certainly would
20 have.

21 Q Were you aware of anyone asking Jerry
22 Jacob, the Station Manager in 1995, whether he was
23 aware that a 1995 supplemental ownership report had or
24 had not been prepared?

25 A I don't recall contacting Jerry Jacob at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that time or -- and I have no knowledge if anyone else
2 *did either.*

3 JUDGE SIPPEL: You're getting better at
4 this.

5 (Laughter).

6 MR. DUNCAN: Well, he's had lots of
7 practice.

8 (Laughter).

9 JUDGE SIPPEL: Keep going, Mr. Shook.

10 BY MR. SHOOK:

11 Q Mr. Helgeson, I'd now like to focus your
12 attention on EB Exhibit 37 pages 11 and 12 admission
13 request 18 which asks SFUSD to admit or deny whether
14 all required quarterly issues/programs lists were in
15 the KALW public inspection file when the 1997 renewal
16 application was sent to the FCC. And part of that
17 response, SFUSD acknowledged that it was unable to
18 located issues/programs lists for the periods December
19 1, 1990 to December 31, 1990 and the four quarters of
20 1991, but that it lacked sufficient information to
21 admit or deny whether issues/programs lists for that
22 time were in the public file when KALW's 1997 renewal
23 application was sent to the FCC.

24 My question to you is were you involved in
25 anyway in looking for the December 1990 materials and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the materials for 1991 in connection with answering
2 admission request 18?

3 A In response to this document -- I just
4 want to make sure I've got it -- I'm just speaking
5 slow, I want to make sure I've got this right.

6 In response to this document, I did not
7 provide any -- I don't recall providing any answer --
8 any information and to prepare answers for this
9 document.

10 Q Now by the time of the document in
11 question had your eyesight been adversely effected?

12 A The document in question being?

13 Q EB Exhibit 37?

14 A This document here in front of me?

15 Q Yes.

16 JUDGE SIPPEL: Well, what's the date?
17 What date was it executed?

18 MR. SHOOK: It was filed at the Commission
19 in September --

20 JUDGE SIPPEL: September what year?

21 MS. LEAVITT: September 7, 2004, Your
22 Honor.

23 MR. SHOOK: September 7, 2004.

24 THE WITNESS: Yes. And my eyesight has
25 been poor for all of 2004.

1 BY MR. SHOOK:

2 Q Yes. So you weren't the person involved,
3 but do you know who was looking for the December 1990
4 materials and the materials for 1991?

5 A In 2004 I -- I can't say. I don't know who
6 prepared answers for this document.

7 JUDGE SIPPEL: Well, certainly the lawyers
8 did, right?

9 THE WITNESS: It looks like -- it looks
10 like -- my opinion is it looks like it was written by
11 a lawyer.

12 (Laughter).

13 JUDGE SIPPEL: All right. Good
14 observation. Now --

15 THE WITNESS: Even with my eyesight.

16 JUDGE SIPPEL: -- did you help the lawyers
17 do this?

18 THE WITNESS: I have no recollection of
19 being asked by a lawyer to prepare answers for this
20 document.

21 JUDGE SIPPEL: Well, that's not what I
22 asked you.

23 THE WITNESS: Okay.

24 JUDGE SIPPEL: This is what I asked you.
25 Did you help the lawyers in their preparing this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 document in any way shape or form?

2 THE WITNESS: No. I don't remember how --
3 no.

4 JUDGE SIPPEL: Okay.

5 THE WITNESS: The answer is no I don't
6 remember helping attorneys with this document.

7 JUDGE SIPPEL: Okay. Mr. Shook?

8 BY MR. SHOOK:

9 Q Now, in connection with issues/programs
10 lists in December 1990 and for the four quarters of
11 1991 are you aware of anyone asking Daniel Del Solar
12 whether he was aware that such lists had been prepared
13 and placed in the public file?

14 A I don't know. I never -- I did not speak
15 with Daniel Del Solar. And I don't have any knowledge
16 if anyone else had.

17 Q Now focusing again on EB Exhibit 37
18 admission request 18 and the material that I'm
19 focusing on now appears on page 12 and reads as
20 follows: "For the time period from January 1, 19 --"
21 that's the third line. I'm just going to try to list
22 them.

23 "For the time period from January 1, 1992
24 until the second quarter of 1997 (the last quarter
25 before the 1997 renewal application was filed) as well

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 as up until the present SFUSD believes that the NPR
2 *issues/programs lists as supplemented for the time of*
3 broadcast by the quarterly KALW Radio Program
4 Schedules meet the requirements of 47 CFR §73.3527."

5 JUDGE SIPPEL: And your question?

6 MR. SHOOK: I'll withdraw that.

7 JUDGE SIPPEL: In light of the fact that
8 he has testified that he really had nothing to do with
9 the preparation of this document, maybe we can move on
10 to something else?

11 MR. SHOOK: Right.

12 BY MR. SHOOK:

13 Q I want to move on to EB Exhibit 40
14 specifically focusing on page 11 interrogatory 5.

15 JUDGE SIPPEL: One on just a second. Mr.
16 Duncan --

17 MR. DUNCAN: I'm slowing down, Your Honor.

18 JUDGE SIPPEL: That's okay.

19 MR. DUNCAN: I apologize.

20 JUDGE SIPPEL: I just don't want him to
21 try and do anything before you get to them.

22 JUDGE SIPPEL: We're on EB 40, which these
23 are the objections and responses to the Bureau's
24 interrogatories. The other ones were requests for
25 admission. And these are interrogatories.